

AMENDED IN SENATE JUNE 29, 2002
AMENDED IN ASSEMBLY MAY 23, 2002
AMENDED IN ASSEMBLY APRIL 29, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1840

**Introduced by Assembly Member Diaz
(Principal coauthor: Assembly Member Shelley)
(Coauthors: Assembly Members Bogh, Bill Campbell, Cohn,
Dickerson, Harman, Koretz, Pavley, Salinas, and Wiggins)**

January 28, 2002

An act to amend Section 7583.9 of, and to add Section 7588.5 to, the Business and Professions Code, relating to private security services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1840, as amended, Diaz. Private security services: peace officers.

Existing law, the Private Security Services Act, provides for the licensure of private patrol operators and the registration of security guards by the Director of Consumer Affairs and requires that they comply with certain terms in the conduct of their operations, including submitting a set of fingerprints to the Department of Justice and paying specified fees for licensure, registration, and various other purposes. Existing law exempts certain peace officers and reserve officers from the provisions requiring the submission of fingerprints.

This bill would require a peace officer who is engaged as a security guard to pay registration fees and would exempt the peace officer from any other fees imposed on security guards under certain conditions. The

bill would require a peace officer exempt from the provisions requiring the submission of fingerprints to submit verification of their active duty status to the Bureau of Security and Investigative Services.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7583.9 of the Business and Professions
2 Code is amended to read:

3 7583.9. (a) Upon accepting employment by a private patrol
4 operator, any employee who performs the function of a security
5 guard or security patrolperson who is not currently registered with
6 the bureau, shall complete an application for registration on a form
7 as prescribed by the director, and obtain two classifiable
8 fingerprint cards for submission to the Department of Justice. The
9 Department of Justice shall forward one classifiable fingerprint
10 card to the Federal Bureau of Investigation for purposes of a
11 background check. The applicant shall submit the application and
12 registration fee to the bureau on or before the same business day
13 that he or she is assigned to work as a security guard or security
14 patrolperson performing any of the functions set forth in
15 subdivision (a) of Section 7582.1. If the applicant is assigned to
16 work on a Saturday, Sunday, or on a federal holiday, the applicant
17 may submit the application and registration fee to the bureau on the
18 first business day immediately following the Saturday, Sunday, or
19 federal holiday. The applicant shall submit the fingerprints to the
20 bureau within three business days after being assigned to work
21 with a temporary registration card.

22 (b) If a private patrol operator pays the application fee on
23 behalf of the applicant, nothing in this section shall preclude the
24 private patrol operator from withholding the amount of the fee
25 from the applicant's compensation.

26 (c) The licensee shall maintain supplies of applications and
27 fingerprint cards that shall be provided by the bureau upon request.

28 (d) In lieu of classifiable fingerprint cards provided for in this
29 section, the bureau may authorize applicants to submit their
30 fingerprints into an electronic fingerprinting system administered
31 by the Department of Justice. Applicants who submit their
32 fingerprints by electronic means shall have their fingerprints



entered into the system through a terminal operated by a law enforcement agency or other facility authorized by the Department of Justice to conduct electronic fingerprinting. The enforcement agency responsible for operating the terminal may charge a fee sufficient to reimburse it for the costs incurred in providing this service.

(e) Upon receipt of an applicant's electronic fingerprints as provided in this section, the Department of Justice shall determine whether the applicant has been convicted of any crime and forward the information to the bureau.

(f) The requirement of submission of fingerprint cards set forth in subdivision (a) shall not apply to currently employed, full-time peace officers holding peace officer status under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or to level I or level II reserve officers as described in paragraphs (1) and (2) of subdivision (a) of Section 832.6 of the Penal Code.

(g) Peace officers exempt from the submission of classifiable fingerprints pursuant to subdivision (f) shall submit verification of their active duty peace officer status to the bureau with their application for registration. A photocopy of the front and back of their peace officer identification badge shall be adequate verification.

(h) Peace officers exempt from the submission of classifiable fingerprints pursuant to subdivision (f) shall report a change in their active duty peace officer status to the bureau within 72 hours of the change in active *duty* peace officer status.

(i) In addition to the amount authorized pursuant to Section 7570.1, the bureau may impose an additional fee not to exceed three dollars (\$3) for processing classifiable fingerprint cards submitted by applicants excluding those submitted into an electronic fingerprint system using electronic fingerprint technology.

(j) An employee shall, on the first day of employment, display to the client his or her registration card if it is feasible and practical to comply with this disclosure requirement. The employee shall thereafter display to the client his or her registration card upon the request of the client.

(k) "Submit," as used in subdivision (a), means any of the following:

1 (1) To ensure that the application and registration fee have been
2 received by the bureau on or before the business day that the
3 employee is assigned to work.

4 (2) To ensure that the application and registration fee either
5 have been mailed to the bureau and officially postmarked with a
6 date on or before the employee is assigned to work or have been
7 deposited with a carrier performing overnight delivery services on
8 or before the business day that the employee is assigned to work.

9 (3) To ensure, if the applicant is assigned to work on a Saturday,
10 Sunday, or on a federal holiday, that the application and
11 registration fee either have been mailed to the bureau and officially
12 postmarked with a date on the first business day immediately
13 following that Saturday, Sunday, or federal holiday or have been
14 deposited with a carrier performing overnight delivery services on
15 the first business day immediately following that Saturday,
16 Sunday, or federal holiday.

17 SEC. 2. Section 7588.5 is added to the Business and
18 Professions Code, to read:

19 7588.5. A peace officer of this state or a political subdivision
20 thereof who engages in off-duty employment solely and
21 exclusively as a security guard or security officer, and who is
22 required to be registered as a security guard or security officer
23 pursuant to this chapter, shall only be subject to the fees required
24 by subdivision (h) of Section 7588. However, a peace officer shall
25 also be subject to the fees required by paragraphs (1) and (2) of
26 subdivision (i) of Section 7588 if the peace officer carries or uses
27 a firearm as part of the off-duty employment *and has not received*
28 *approval of his or her primary employer to carry a firearm while*
29 *working as a security guard or security officer.*

30 *For purposes of this section, "primary employer" means a*
31 *public safety agency currently employing a peace officer subject*
32 *to this section.*